

EXHIBIT A

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO. 09-11705-NG

JONATHAN GREEN

v.

**CITY OF BOSTON; EDWARD DAVIS,
in his capacity as Chief of the Boston
Police Dept.; TIMOTHY MCCARTHY,
individually and in his official capacity as
an Employee, Agent, and/or Officer of the
Boston Police Department**

AFFIDAVIT OF COUNSEL

I, MICHELLE K. HINKLEY, do depose and state as follows:

1. I am an attorney in good standing in the Commonwealth of Massachusetts. I am counsel for the Defendants in the above-captioned matter.
2. On August 16, 2011, Defendants' counsel deposed Plaintiff, Jonathan Green.
3. The deposition was suspended at 2:00 p.m. after counsel for the Defendants discovered that a portion of the medical records relevant to Plaintiff's alleged injuries had not been produced in previous discovery requests.
4. Additionally, the deposition was suspended at 2:00 p.m. to accommodate Plaintiff's counsel's schedule. Plaintiff's counsel did not notify Defendants' counsel of the conflict until the morning of the deposition.
5. On or near February 16, 2012, I noticed the deposition of the Plaintiff for March 20, 2012. I sent the notice via first-class mail to Plaintiff's counsel.
6. Prior to March 20, 2012, Plaintiff's counsel did not inform me of his client's inability to attend the deposition.
7. On March 20, 2012, the Plaintiff did not appear at his deposition. At approximately 10:30 a.m., I telephoned the Plaintiff's counsel to inquire as to whether his client would be appearing at the deposition. I was unable to speak with Plaintiff's counsel. I left a voice message for Plaintiff's counsel informing him that I intended to go on the record at 11:00 a.m. to document his client's failure to appear.

8. At 11:00 a.m., I went on the record to document Plaintiff's failure to appear for his scheduled deposition.
9. As of today, I have not heard from Plaintiff's counsel.
10. The exhibits attached to the Defendants' *Motion to Dismiss or Motion to Compel* are true and accurate copies.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 22nd DAY OF MARCH, 2012

/s/ Michelle K. Hinkley
Michelle K. Hinkley
Assistant Corporation Counsel
City of Boston Law Department